

**AMENDMENT TO RULES COMMITTEE PRINT 116–**

**19**

**OFFERED BY MR. ROSE OF NEW YORK**

At the end of division A, add the following:

**1 TITLE XVII—SANCTIONS WITH**  
**2 RESPECT TO FOREIGN TRAF-**  
**3 FICKERS OF ILLICIT SYN-**  
**4 THETIC OPIOIDS**

**5 SEC. 1701. SHORT TITLE.**

**6** This title may be cited as the “Fentanyl Sanctions  
**7 Act”.**

**8 SEC. 1702. FINDINGS.**

**9** Congress makes the following findings:

**10** (1) The Centers for Disease Control and Pre-  
**11** vention estimate that from September 2017 through  
**12** September 2018 more than 48,200 people in the  
**13** United States died from an opioid overdose, with  
**14** synthetic opioids (excluding methadone), contrib-  
**15** uting to a record 31,900 overdose deaths. While  
**16** drug overdose death estimates from methadone,  
**17** semi-synthetic opioids, and heroin have decreased in  
**18** recent months, overdose deaths from synthetic  
**19** opioids have continued to increase.

1           (2) Congress and the President have taken a  
2           number of actions to combat the demand for illicit  
3           opioids in the United States, including enacting into  
4           law the SUPPORT for Patients and Communities  
5           Act (Public Law 115–271; 132 Stat. 3894). While  
6           new statutes and regulations have reduced the rate  
7           of opioid prescriptions in recent years, fully address-  
8           ing the United States opioid crisis will involve dra-  
9           matically restricting the foreign supply of illicit  
10          opioids.

11          (3) The People’s Republic of China is the  
12          world’s largest producer of illicit fentanyl, fentanyl  
13          analogues, and their immediate precursors. From  
14          the People’s Republic of China, those substances are  
15          shipped primarily through express consignment car-  
16          riers or international mail directly to the United  
17          States, or, alternatively, shipped directly to  
18          transnational criminal organizations in Mexico, Can-  
19          ada, and the Caribbean.

20          (4) The United States and the People’s Repub-  
21          lic of China, Mexico, and Canada have made impor-  
22          tant strides in combating the illicit flow of opioids  
23          through bilateral efforts of their respective law en-  
24          forcement agencies.

1           (5) The objective of preventing the proliferation  
2           of illicit opioids through existing multilateral and bi-  
3           lateral initiatives requires additional efforts to deny  
4           illicit actors the financial means to sustain their  
5           markets and distribution networks.

6           (6) The implementation on May 1, 2019, of the  
7           regulations of the People's Republic of China to  
8           schedule all fentanyl analogues as controlled sub-  
9           stances is a major step in combating global opioid  
10          trafficking and represents a major achievement in  
11          United States-China law enforcement dialogues.  
12          However, that step will effectively fulfill the commit-  
13          ment that President Xi Jinping of the People's Re-  
14          public of China made to President Donald Trump at  
15          the Group of Twenty meeting in December 2018  
16          only if the Government of the People's Republic of  
17          China devotes sufficient resources to full implemen-  
18          tation and strict enforcement of the new regulations.  
19          The effective enforcement of the new regulations  
20          should result in diminished trafficking of illicit  
21          fentanyl originating from the People's Republic of  
22          China into the United States, so it is in the interests  
23          of both the United States and the People's Republic  
24          of China to support the effective enforcement of the  
25          regulations.

1           (7) While the Department of the Treasury used  
2           the Foreign Narcotics Kingpin Designation Act (21  
3           U.S.C. 1901 et seq.) to sanction the first synthetic  
4           opioid trafficking entity in April 2018, additional  
5           economic and financial sanctions policy tools are  
6           needed to help combat the flow of synthetic opioids  
7           into the United States.

8   **SEC. 1703. SENSE OF CONGRESS.**

9           It is the sense of Congress that—

10           (1) the United States should apply economic  
11           and other financial sanctions to foreign traffickers of  
12           illicit opioids to protect the national security, foreign  
13           policy, and economy of the United States and the  
14           health of the people of the United States;

15           (2) it is imperative that the People's Republic  
16           of China follow through on full implementation of  
17           the new regulations, adopted May 1, 2019, to treat  
18           all fentanyl analogues as controlled substances under  
19           the laws of the People's Republic of China, including  
20           by devoting sufficient resources for implementation  
21           and strict enforcement of the new regulations; and

22           (3) the effective enforcement of the new regula-  
23           tions should result in diminished trafficking of illicit  
24           fentanyl originating from the People's Republic of  
25           China into the United States, so it is in the interests

1 of both the United States and the People's Republic  
2 of China to support full, effective, and strict enforce-  
3 ment of the regulations.

4 **SEC. 1704. DEFINITIONS.**

5 In this title:

6 (1) ALIEN; NATIONAL; NATIONAL OF THE  
7 UNITED STATES.—The terms “alien”, “national”,  
8 and “national of the United States” have the mean-  
9 ings given those terms in section 101 of the Immi-  
10 gration and Nationality Act (8 U.S.C. 1101).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES AND LEADERSHIP.—The term “appropriate  
13 congressional committees and leadership” means—

14 (A) the Committee on Appropriations, the  
15 Committee on Armed Services, the Committee  
16 on Banking, Housing, and Urban Affairs, the  
17 Committee on Foreign Relations, the Com-  
18 mittee on Homeland Security and Govern-  
19 mental Affairs, the Committee on the Judiciary,  
20 the Select Committee on Intelligence, and the  
21 majority leader and the minority leader of the  
22 Senate; and

23 (B) the Committee on Appropriations, the  
24 Committee on Armed Services, the Committee  
25 on Financial Services, the Committee on For-

1           eign Affairs, the Committee on Homeland Secu-  
2           rity, the Committee on the Judiciary, the Per-  
3           manent Select Committee on Intelligence, and  
4           the Speaker and the minority leader of the  
5           House of Representatives.

6           (3) CONTROLLED SUBSTANCE; LISTED CHEM-  
7           ICAL.—The terms “controlled substance”, “listed  
8           chemical”, “narcotic drug”, and “opioid” have the  
9           meanings given those terms in section 102 of the  
10          Controlled Substances Act (21 U.S.C. 802).

11          (4) ENTITY.—The term “entity” means a part-  
12          nership, joint venture, association, corporation, orga-  
13          nization, network, group, or subgroup, or any form  
14          of business collaboration.

15          (5) FOREIGN OPIOID TRAFFICKER.—The term  
16          “foreign opioid trafficker” means any foreign person  
17          that the President determines plays a significant  
18          role in opioid trafficking.

19          (6) FOREIGN PERSON.—The term “foreign per-  
20          son”—

21                  (A) means—

22                          (i) any citizen or national of a foreign  
23                          country; or

1 (ii) any entity not organized under the  
2 laws of the United States or a jurisdiction  
3 within the United States; and

4 (B) does not include the government of a  
5 foreign country.

6 (7) KNOWINGLY.—The term “knowingly”, with  
7 respect to conduct, a circumstance, or a result,  
8 means that a person has actual knowledge, or should  
9 have known, of the conduct, the circumstance, or the  
10 result.

11 (8) OPIOID TRAFFICKING.—The term “opioid  
12 trafficking” means any illicit activity—

13 (A) to produce, manufacture, distribute,  
14 sell, or knowingly finance or transport illicit  
15 synthetic opioids, controlled substances that are  
16 synthetic opioids, listed chemicals that are syn-  
17 thetic opioids, or active pharmaceutical ingredi-  
18 ents or chemicals that are used in the produc-  
19 tion of controlled substances that are synthetic  
20 opioids;

21 (B) to attempt to carry out an activity de-  
22 scribed in subparagraph (A); or

23 (C) to assist, abet, conspire, or collude  
24 with other persons to carry out such an activity.

1 (9) PERSON.—The term “person” means an in-  
2 dividual or entity.

3 (10) UNITED STATES PERSON.—The term  
4 “United States person” means—

5 (A) any citizen or national of the United  
6 States;

7 (B) any alien lawfully admitted for perma-  
8 nent residence in the United States;

9 (C) any entity organized under the laws of  
10 the United States or any jurisdiction within the  
11 United States (including a foreign branch of  
12 such an entity); or

13 (D) any person located in the United  
14 States.

15 **Subtitle A—Sanctions With Respect**  
16 **to Foreign Opioid Traffickers**

17 **SEC. 1711. IDENTIFICATION OF FOREIGN OPIOID TRAF-**  
18 **FICKERS.**

19 (a) PUBLIC REPORT.—

20 (1) IN GENERAL.—The President shall submit  
21 to the appropriate congressional committees and  
22 leadership, in accordance with subsection (c), a re-  
23 port—



1 (A) identifying the foreign persons that the  
2 President determines are foreign opioid traf-  
3 fickers;

4 (B) detailing progress the President has  
5 made in implementing this subtitle; and

6 (C) providing an update on cooperative ef-  
7 forts with the Governments of Mexico and the  
8 People's Republic of China with respect to com-  
9 bating foreign opioid traffickers.

10 (2) IDENTIFICATION OF ADDITIONAL PER-  
11 SONS.—If, at any time after submitting a report re-  
12 quired by paragraph (1) and before the submission  
13 of the next such report, the President determines  
14 that a foreign person not identified in the report is  
15 a foreign opioid trafficker, the President shall sub-  
16 mit to the appropriate congressional committees and  
17 leadership an additional report containing the infor-  
18 mation required by paragraph (1) with respect to  
19 the foreign person.

20 (3) EXCLUSION.—The President shall not be  
21 required to include in a report under paragraph (1)  
22 or (2) any persons with respect to which the United  
23 States has imposed sanctions before the date of the  
24 report under this subtitle or any other provision of  
25 law with respect to opioid trafficking.

1 (4) FORM OF REPORT.—

2 (A) IN GENERAL.—Each report required  
3 by paragraph (1) or (2) shall be submitted in  
4 unclassified form but may include a classified  
5 annex.

6 (B) AVAILABILITY TO PUBLIC.—The un-  
7 classified portion of a report required by para-  
8 graph (1) or (2) shall be made available to the  
9 public.

10 (b) CLASSIFIED REPORT.—

11 (1) IN GENERAL.—The President shall submit  
12 to the appropriate congressional committees and  
13 leadership, in accordance with subsection (c), a re-  
14 port, in classified form—

15 (A) describing in detail the status of sanc-  
16 tions imposed under this subtitle, including the  
17 personnel and resources directed toward the im-  
18 position of such sanctions during the preceding  
19 fiscal year;

20 (B) providing background information with  
21 respect to persons newly identified as foreign  
22 opioid traffickers and their illicit activities;

23 (C) describing actions the President in-  
24 tends to undertake or has undertaken to imple-  
25 ment this subtitle; and

1 (D) providing a strategy for identifying ad-  
2 ditional foreign opioid traffickers.

3 (2) EFFECT ON OTHER REPORTING REQUIRE-  
4 MENTS.—The report required by paragraph (1) is in  
5 addition to the obligations of the President to keep  
6 Congress fully and currently informed pursuant to  
7 the provisions of the National Security Act of 1947  
8 (50 U.S.C. 3001 et seq.).

9 (c) SUBMISSION OF REPORTS.—Not later than 180  
10 days after the date of the enactment of this Act, and annu-  
11 ally thereafter until the date that is 5 years after such  
12 date of enactment, the President shall submit the reports  
13 required by subsections (a) and (b) to the appropriate con-  
14 gressional committees and leadership.

15 (d) EXCLUSION OF CERTAIN INFORMATION.—

16 (1) INTELLIGENCE.—Notwithstanding any  
17 other provision of this section, a report required by  
18 subsection (a) or (b) shall not disclose the identity  
19 of any person if the Director of National Intelligence  
20 determines that such disclosure could compromise an  
21 intelligence operation, activity, source, or method of  
22 the United States.

23 (2) LAW ENFORCEMENT.—Notwithstanding any  
24 other provision of this section, a report required by  
25 subsection (a) or (b) shall not disclose the identity

1 of any person if the Attorney General, in coordina-  
2 tion, as appropriate, with the Director of the Fed-  
3 eral Bureau of Investigation, the Administrator of  
4 the Drug Enforcement Administration, the Secretary  
5 of the Treasury, the Secretary of State, and the  
6 head of any other appropriate Federal law enforce-  
7 ment agency, determines that such disclosure could  
8 reasonably be expected—

9 (A) to compromise the identity of a con-  
10 fidential source, including a State, local, or for-  
11 eign agency or authority or any private institu-  
12 tion that furnished information on a confiden-  
13 tial basis;

14 (B) to jeopardize the integrity or success  
15 of an ongoing criminal investigation or prosecu-  
16 tion;

17 (C) to endanger the life or physical safety  
18 of any person; or

19 (D) to cause substantial harm to physical  
20 property.

21 (3) NOTIFICATION REQUIRED.—If the Director  
22 of National Intelligence makes a determination  
23 under paragraph (1) or the Attorney General makes  
24 a determination under paragraph (2), the Director  
25 or the Attorney General, as the case may be, shall

1        notify the appropriate congressional committees and  
2        leadership of the determination and the reasons for  
3        the determination.

4            (4) RULE OF CONSTRUCTION.—Nothing in this  
5        section may be construed to authorize or compel the  
6        disclosure of information determined by the Presi-  
7        dent to be law enforcement information, national se-  
8        curity information, or other information the disclo-  
9        sure of which is prohibited by any other provision of  
10       law.

11        (e) PROVISION OF INFORMATION REQUIRED FOR RE-  
12       PORTS.—The Secretary of the Treasury, the Attorney  
13       General, the Secretary of Defense, the Secretary of State,  
14       the Secretary of Homeland Security, and the Director of  
15       National Intelligence shall consult among themselves and  
16       provide to the President and the Director of the Office  
17       of National Drug Control Policy the appropriate and nec-  
18       essary information to enable the President to submit the  
19       reports required by subsection (a).

20       **SEC. 1712. SENSE OF CONGRESS ON INTERNATIONAL**  
21                            **OPIOID CONTROL REGIME.**

22        It is the sense of Congress that, in order to apply  
23        economic and other financial sanctions to foreign traf-  
24        fickers of illicit opioids to protect the national security,  
25        foreign policy, and economy of the United States—

1 (1) the President should instruct the Secretary  
2 of State to commence immediately diplomatic ef-  
3 forts, both in appropriate international fora such as  
4 the United Nations, the Group of Seven, the Group  
5 of Twenty, and trilaterally and bilaterally with part-  
6 ners of the United States, to combat foreign opioid  
7 trafficking, including by working to establish a mul-  
8 tilateral sanctions regime with respect to foreign  
9 opioid trafficking; and

10 (2) the Secretary of State, in consultation with  
11 the Secretary of the Treasury, should intensify ef-  
12 forts to maintain and strengthen the coalition of  
13 countries formed to combat foreign opioid traf-  
14 ficking.

15 **SEC. 1713. IMPOSITION OF SANCTIONS.**

16 The President shall impose five or more of the sanc-  
17 tions described in section 1714 with respect to each for-  
18 eign person that is an entity, and four or more of such  
19 sanctions with respect to each foreign person that is an  
20 individual, that—

21 (1) is identified as a foreign opioid trafficker in  
22 a report submitted under section 1711(a); or

23 (2) the President determines is owned, con-  
24 trolled, directed by, knowingly supplying or sourcing

1 precursors for, or acting for or on behalf of, such a  
2 foreign opioid trafficker.

3 **SEC. 1714. DESCRIPTION OF SANCTIONS.**

4 (a) IN GENERAL.—The sanctions that may be im-  
5 posed with respect to a foreign person under section 1713  
6 are the following:

7 (1) LOANS FROM UNITED STATES FINANCIAL  
8 INSTITUTIONS.—The United States Government  
9 may prohibit any United States financial institution  
10 from making loans or providing credits to the for-  
11 eign person.

12 (2) PROHIBITIONS ON FINANCIAL INSTITU-  
13 TIONS.—The following prohibitions may be imposed  
14 with respect to a foreign person that is a financial  
15 institution:

16 (A) PROHIBITION ON DESIGNATION AS  
17 PRIMARY DEALER.—Neither the Board of Gov-  
18 ernors of the Federal Reserve System nor the  
19 Federal Reserve Bank of New York may des-  
20 ignate, or permit the continuation of any prior  
21 designation of, the financial institution as a pri-  
22 mary dealer in United States Government debt  
23 instruments.

24 (B) PROHIBITION ON SERVICE AS A RE-  
25 POSITORY OF GOVERNMENT FUNDS.—The fi-

1           nancial institution may not serve as agent of  
2           the United States Government or serve as re-  
3           pository for United States Government funds.

4           The imposition of either sanction under subpara-  
5           graph (A) or (B) shall be treated as one sanction for  
6           purposes of section 1713, and the imposition of both  
7           such sanctions shall be treated as 2 sanctions for  
8           purposes of that section.

9           (3) PROCUREMENT BAN.—The United States  
10          Government may not procure, or enter into any con-  
11          tract for the procurement of, any goods or services  
12          from the foreign person.

13          (4) FOREIGN EXCHANGE.—The President may,  
14          pursuant to such regulations as the President may  
15          prescribe, prohibit any transactions in foreign ex-  
16          change that are subject to the jurisdiction of the  
17          United States and in which the foreign person has  
18          any interest.

19          (5) BANKING TRANSACTIONS.—The President  
20          may, pursuant to such regulations as the President  
21          may prescribe, prohibit any transfers of credit or  
22          payments between financial institutions or by,  
23          through, or to any financial institution, to the extent  
24          that such transfers or payments are subject to the



1 jurisdiction of the United States and involve any in-  
2 terest of the foreign person.

3 (6) PROPERTY TRANSACTIONS.—The President  
4 may, pursuant to such regulations as the President  
5 may prescribe, prohibit any person from—

6 (A) acquiring, holding, withholding, using,  
7 transferring, withdrawing, or transporting any  
8 property that is subject to the jurisdiction of  
9 the United States and with respect to which the  
10 foreign person has any interest;

11 (B) dealing in or exercising any right,  
12 power, or privilege with respect to such prop-  
13 erty; or

14 (C) conducting any transaction involving  
15 such property.

16 (7) BAN ON INVESTMENT IN EQUITY OR DEBT  
17 OF SANCTIONED PERSON.—The President may, pur-  
18 suant to such regulations or guidelines as the Presi-  
19 dent may prescribe, prohibit any United States per-  
20 son from investing in or purchasing significant  
21 amounts of equity or debt instruments of the foreign  
22 person.

23 (8) EXCLUSION OF CORPORATE OFFICERS.—  
24 The President may direct the Secretary of State to  
25 deny a visa to, and the Secretary of Homeland Secu-

1        rity to exclude from the United States, any alien  
2        that the President determines is a corporate officer  
3        or principal of, or a shareholder with a controlling  
4        interest in, the foreign person.

5            (9) SANCTIONS ON PRINCIPAL EXECUTIVE OF-  
6        FICERS.—The President may impose on the prin-  
7        cipal executive officer or officers of the foreign per-  
8        son, or on individuals performing similar functions  
9        and with similar authorities as such officer or offi-  
10       cers, any of the sanctions described in paragraphs  
11       (1) through (8) that are applicable.

12        (b) PENALTIES.—A person that violates, attempts to  
13       violate, conspires to violate, or causes a violation of any  
14       regulation, license, or order issued to carry out subsection  
15       (a) shall be subject to the penalties set forth in subsections  
16       (b) and (c) of section 206 of the International Emergency  
17       Economic Powers Act (50 U.S.C. 1705) to the same ex-  
18       tent as a person that commits an unlawful act described  
19       in subsection (a) of that section.

20        (c) EXCEPTIONS.—

21            (1) INTELLIGENCE AND LAW ENFORCEMENT  
22        ACTIVITIES.—Sanctions under this section shall not  
23        apply with respect to—

1 (A) any activity subject to the reporting  
2 requirements under title V of the National Se-  
3 curity Act of 1947 (50 U.S.C. 3091 et seq.); or

4 (B) any authorized intelligence and law en-  
5 forcement activities of the United States.

6 (2) EXCEPTION TO COMPLY WITH UNITED NA-  
7 TIONS HEADQUARTERS AGREEMENT.—Sanctions  
8 under subsection (a)(8) shall not apply to an alien  
9 if admitting the alien into the United States is nec-  
10 essary to permit the United States to comply with  
11 the Agreement regarding the Headquarters of the  
12 United Nations, signed at Lake Success June 26,  
13 1947, and entered into force November 21, 1947,  
14 between the United Nations and the United States,  
15 the Convention on Consular Relations, done at Vi-  
16 enna April 24, 1963, and entered into force March  
17 19, 1967, or other applicable international obliga-  
18 tions.

19 (d) IMPLEMENTATION; REGULATORY AUTHORITY.—

20 (1) IMPLEMENTATION.—The President may ex-  
21 ercise all authorities provided under sections 203  
22 and 205 of the International Emergency Economic  
23 Powers Act (50 U.S.C. 1702 and 1704) to carry out  
24 this section.

1           (2) REGULATORY AUTHORITY.—The President  
2       shall issue such regulations, licenses, and orders as  
3       are necessary to carry out this section.

4 **SEC. 1715. WAIVERS.**

5       (a) WAIVER FOR STATE-OWNED FINANCIAL INSTI-  
6       TUTIONS IN COUNTRIES THAT COOPERATE IN MULTILAT-  
7       ERAL ANTI-TRAFFICKING EFFORTS.—

8           (1) IN GENERAL.—The President may waive for  
9       a period of not more than 12 months the application  
10      of sanctions under this subtitle with respect to a fi-  
11      nancial institution that is owned or controlled, di-  
12      rectly or indirectly, by a foreign government or any  
13      political subdivision, agency, or instrumentality of a  
14      foreign government, if, not less than 15 days before  
15      the waiver is to take effect, the President certifies  
16      to the appropriate congressional committees and  
17      leadership that the foreign government is closely co-  
18      operating with the United States in efforts to pre-  
19      vent opioid trafficking.

20          (2) CERTIFICATION.—The President may cer-  
21      tify under paragraph (1) that a foreign government  
22      is closely cooperating with the United States in ef-  
23      forts to prevent opioid trafficking if that government  
24      is—

1 (A) implementing domestic laws to sched-  
2 ule all fentanyl analogues as controlled sub-  
3 stances; and

4 (B) doing two or more of the following:

5 (i) Implementing substantial improve-  
6 ments in regulations involving the chemical  
7 and pharmaceutical production and export  
8 of illicit opioids.

9 (ii) Implementing substantial improve-  
10 ments in judicial regulations to combat  
11 transnational criminal organizations that  
12 traffic opioids.

13 (iii) Increasing efforts to prosecute  
14 foreign opioid traffickers.

15 (iv) Increasing intelligence sharing  
16 and law enforcement cooperation with the  
17 United States with respect to opioid traf-  
18 ficking.

19 (3) SUBSEQUENT RENEWAL OF WAIVER.—The  
20 President may renew a waiver under paragraph (1)  
21 for subsequent periods of not more than 12 months  
22 each if, not less than 15 days before the renewal is  
23 to take effect, the Director of National Intelligence  
24 certifies to the appropriate congressional committees  
25 and leadership that the government of the country

1 to which the waiver applies has effectively imple-  
2 mented and is effectively enforcing the measures  
3 that formed the basis for the certification under  
4 paragraph (2).

5 (b) WAIVERS FOR NATIONAL SECURITY AND ACCESS  
6 TO PRESCRIPTION MEDICATIONS.—

7 (1) IN GENERAL.—The President may waive  
8 the application of sanctions under this subtitle if the  
9 President determines that the application of such  
10 sanctions would harm—

11 (A) the national security interests of the  
12 United States; or

13 (B) subject to paragraph (2), the access of  
14 United States persons to prescription medica-  
15 tions.

16 (2) MONITORING.—The President shall estab-  
17 lish a monitoring program to verify that a person  
18 that receives a waiver under paragraph (1)(B) is not  
19 trafficking illicit opioids.

20 (3) NOTIFICATION.—Not later than 15 days  
21 after making a determination under paragraph (1),  
22 the President shall notify the appropriate congres-  
23 sional committees and leadership of the determina-  
24 tion and the reasons for the determination.

1 (c) HUMANITARIAN WAIVER.—The President may  
2 waive, for renewable periods of 180 days, the application  
3 of the sanctions under this subtitle if the President cer-  
4 tifies to the appropriate congressional committees and  
5 leadership that the waiver is necessary for the provision  
6 of humanitarian assistance.

7 **SEC. 1716. PROCEDURES FOR JUDICIAL REVIEW OF CLASSI-**  
8 **FIED INFORMATION.**

9 (a) IN GENERAL.—If a finding under this subtitle,  
10 or a prohibition, condition, or penalty imposed as a result  
11 of any such finding, is based on classified information (as  
12 defined in section 1(a) of the Classified Information Pro-  
13 cedures Act (18 U.S.C. App.)) and a court reviews the  
14 finding or the imposition of the prohibition, condition, or  
15 penalty, the President may submit such information to the  
16 court ex parte and in camera.

17 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be construed to confer or imply any right to judi-  
19 cial review of any finding under this subtitle, or any prohi-  
20 bition, condition, or penalty imposed as a result of any  
21 such finding.

22 **SEC. 1717. BRIEFINGS ON IMPLEMENTATION.**

23 Not later than 90 days after the date of the enact-  
24 ment of the Fentanyl Sanctions Act, and every 180 days  
25 thereafter until the date that is 5 years after such date

1 of enactment, the President, acting through the Secretary  
2 of State, in coordination with the Secretary of the Treas-  
3 ury, shall provide to the appropriate congressional com-  
4 mittees and leadership a comprehensive briefing on efforts  
5 to implement this subtitle.

6 **SEC. 1718. INCLUSION OF ADDITIONAL MATERIAL IN**  
7 **INTERNATIONAL NARCOTICS CONTROL**  
8 **STRATEGY REPORT.**

9 Section 489(a) of the Foreign Assistance Act of 1961  
10 (22 U.S.C. 2291(a)) is amended by adding at the end the  
11 following:

12 “(9)(A) An assessment conducted by the Sec-  
13 retary of State, in consultation with the Secretary of  
14 the Treasury, of the extent to which any diplomatic  
15 efforts described in section 1712 of the Fentanyl  
16 Sanctions Act have been successful.

17 “(B) Each assessment required by subpara-  
18 graph (A) shall include an identification of—

19 “(i) the countries the governments of  
20 which have agreed to undertake measures to  
21 apply economic or other financial sanctions to  
22 foreign traffickers of illicit opioids and a de-  
23 scription of those measures; and

24 “(ii) the countries the governments of  
25 which have not agreed to measures described in



1 clause (i), and, with respect to those countries,  
2 other measures the Secretary of State rec-  
3 ommends that the United States take to apply  
4 economic and other financial sanctions to for-  
5 eign traffickers of illicit opioids.”.

6 **Subtitle B—Commission on Com-**  
7 **bating Synthetic Opioid Traf-**  
8 **ficking**

9 **SEC. 1721. COMMISSION ON COMBATING SYNTHETIC**  
10 **OPIOID TRAFFICKING.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—There is established a com-  
13 mission to develop a consensus on a strategic ap-  
14 proach to combating the flow of synthetic opioids  
15 into the United States.

16 (2) DESIGNATION.—The commission estab-  
17 lished under paragraph (1) shall be known as the  
18 “Commission on Synthetic Opioid Trafficking” (in  
19 this section referred to as the “Commission”).

20 (b) MEMBERSHIP.—

21 (1) COMPOSITION.—

22 (A) IN GENERAL.—Subject to subpara-  
23 graph (B), the Commission shall be composed  
24 of the following members:

1 (i) The Administrator of the Drug  
2 Enforcement Administration.

3 (ii) The Secretary of Homeland Secu-  
4 rity.

5 (iii) The Secretary of Defense.

6 (iv) The Secretary of the Treasury.

7 (v) The Secretary of State.

8 (vi) Two members appointed by the  
9 majority leader of the Senate, one of whom  
10 shall be a Member of the Senate and one  
11 of whom shall not be.

12 (vii) Two members appointed by the  
13 minority leader of the Senate, one of whom  
14 shall be a Member of the Senate and one  
15 of whom shall not be.

16 (viii) Two members appointed by the  
17 Speaker of the House of Representatives,  
18 one of whom shall be a Member of the  
19 House of Representatives and one of whom  
20 shall not be.

21 (ix) Two members appointed by the  
22 minority leader of the House of Represent-  
23 atives, one of whom shall be a Member of  
24 the House of Representatives and one of  
25 whom shall not be.

1           (B)(i) The members of the Commission  
2           who are not Members of Congress and who are  
3           appointed under clauses (vi) through (ix) of  
4           subparagraph (A) shall be individuals who are  
5           nationally recognized for expertise, knowledge,  
6           or experience in—

7                   (I) transnational criminal organiza-  
8                   tions conducting synthetic opioid traf-  
9                   ficking;

10                   (II) the production, manufacturing,  
11                   distribution, sale, or transportation of syn-  
12                   thetic opioids; or

13                   (III) relations between—

14                           (aa) the United States; and

15                           (bb) the People's Republic of  
16                   China, Mexico, or any other country  
17                   of concern with respect to trafficking  
18                   in synthetic opioids.

19           (ii) An official who appoints members of  
20           the Commission may not appoint an individual  
21           as a member of the Commission if the indi-  
22           vidual possesses any personal or financial inter-  
23           est in the discharge of any of the duties of the  
24           Commission.

1           (iii)(I) All members of the Commission de-  
2           scribed in clause (i) shall possess an appro-  
3           priate security clearance in accordance with ap-  
4           plicable provisions of law concerning the han-  
5           dling of classified information.

6           (II) For the purpose of facilitating the ac-  
7           tivities of the Commission, the Director of Na-  
8           tional Intelligence shall expedite to the fullest  
9           degree possible the processing of security clear-  
10          ances that are necessary for members of the  
11          Commission.

12         (2) CO-CHAIRS.—

13                 (A) IN GENERAL.—The Commission shall  
14                 have 2 co-chairs, selected from among the mem-  
15                 bers of the Commission, one of whom shall be  
16                 a member of the majority party and one of  
17                 whom shall be a member of the minority party.

18                 (B) SELECTION.—The individuals who  
19                 serve as the co-chairs of the Commission shall  
20                 be jointly agreed upon by the President, the  
21                 majority leader of the Senate, the minority  
22                 leader of the Senate, the Speaker of the House  
23                 of Representatives, and the minority leader of  
24                 the House of Representatives.

1       (c) DUTIES.—The duties of the Commission are as  
2 follows:

3           (1) To define the core objectives and priorities  
4 of the strategic approach described in subsection  
5 (a)(1).

6           (2) To weigh the costs and benefits of various  
7 strategic options to combat the flow of synthetic  
8 opioids from the People’s Republic of China, Mexico,  
9 and other countries.

10          (3) To evaluate whether the options described  
11 in paragraph (2) are exclusive or complementary,  
12 the best means for executing such options, and how  
13 the United States should incorporate and implement  
14 such options within the strategic approach described  
15 in subsection (a)(1).

16          (4) To review and make determinations on the  
17 difficult choices present within such options, among  
18 them what norms-based regimes the United States  
19 should seek to establish to encourage the effective  
20 regulation of dangerous synthetic opioids.

21          (5) To report on efforts by actors in the Peo-  
22 ple’s Republic of China to subvert United States  
23 laws and to supply illicit synthetic opioids to persons  
24 in the United States, including up-to-date estimates

1 of the scale of illicit synthetic opioids flows from the  
2 People's Republic of China.

3 (6) To report on the deficiencies in the regula-  
4 tion of pharmaceutical and chemical production of  
5 controlled substances and export controls with re-  
6 spect to such substances in the People's Republic of  
7 China and other countries that allow opioid traf-  
8 fickers to subvert such regulations and controls to  
9 traffic illicit opioids into the United States.

10 (7) To report on the scale of contaminated or  
11 counterfeit drugs originating from the People's Re-  
12 public of China and India.

13 (8) To report on how the United States could  
14 work more effectively with provincial and local offi-  
15 cials in the People's Republic of China and other  
16 countries to combat the illicit production of synthetic  
17 opioids.

18 (9) In weighing the options for defending the  
19 United States against the dangers of trafficking in  
20 synthetic opioids, to consider possible structures and  
21 authorities that need to be established, revised, or  
22 augmented within the Federal Government.

23 (d) FUNCTIONING OF COMMISSION.—The provisions  
24 of subsections (c), (d), (e), (g), (h), (i), and (m) of section  
25 1652 of the John S. McCain National Defense Authoriza-

tion Act for Fiscal Year 2019 (Public Law 115–232) shall apply to the Commission to the same extent and in the same manner as such provisions apply to the commission established under that section, except that—

(1) subsection (c)(1) of that section shall be applied and administered by substituting “30 days” for “45 days”;

(2) subsection (g)(4)(A) of that section shall be applied and administered by inserting “and the Attorney General” after “Secretary of Defense”; and

(3) subsections (h)(2)(A) and (i)(1)(A) of that section shall be applied and administered by substituting “level V of the Executive Schedule under section 5316” for “level IV of the Executive Schedule under section 5315”.

(e) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.

1           (2) INFORMATION PROVIDED BY CONGRESS.—

2       Any information related to the national security of  
3       the United States that is provided to the Commis-  
4       sion by the appropriate congressional committees  
5       and leadership may not be further provided or re-  
6       leased without the approval of the chairperson of the  
7       committee, or the Member of Congress, as the case  
8       may be, that provided the information to the Com-  
9       mission.

10          (3) ACCESS AFTER TERMINATION OF COMMIS-  
11       SION.—Notwithstanding any other provision of law,  
12       after the termination of the Commission under sub-  
13       section (h), only the members and designated staff  
14       of the appropriate congressional committees and  
15       leadership, the Director of National Intelligence (and  
16       the designees of the Director), and such other offi-  
17       cials of the executive branch as the President may  
18       designate shall have access to information related to  
19       the national security of the United States that is re-  
20       ceived, considered, or used by the Commission.

21       (f) REPORTS.—The Commission shall submit to the  
22       appropriate congressional committees and leadership—

23           (1) not later than 270 days after the date of  
24       the enactment of this Act, an initial report on the



1 activities and recommendations of the Commission  
2 under this section; and

3 (2) not later than 270 days after the submis-  
4 sion of the initial report under paragraph (1), a final  
5 report on the activities and recommendations of the  
6 Commission under this section.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated \$5,000,000 for each of  
9 fiscal years 2020 through 2023 to carry out this section.

10 (h) TERMINATION.—

11 (1) IN GENERAL.—The Commission, and all the  
12 authorities of this section, shall terminate at the end  
13 of the 120-day period beginning on the date on  
14 which the final report required by subsection (f)(2)  
15 is submitted to the appropriate congressional com-  
16 mittees and leadership.

17 (2) WINDING UP OF AFFAIRS.—The Commis-  
18 sion may use the 120-day period described in para-  
19 graph (1) for the purposes of concluding its activi-  
20 ties, including providing testimony to Congress con-  
21 cerning the final report required by subsection (f)(2)  
22 and disseminating the report.

1                   **Subtitle C—Other Matters**

2   **SEC. 1731. DIRECTOR OF NATIONAL INTELLIGENCE PRO-**  
3                   **GRAM ON USE OF INTELLIGENCE RE-**  
4                   **SOURCES IN EFFORTS TO SANCTION FOR-**  
5                   **EIGN OPIOID TRAFFICKERS.**

6           (a) PROGRAM REQUIRED.—

7                   (1) IN GENERAL.—The Director of National In-  
8           telligence shall, with the concurrence of the Director  
9           of the Office of National Drug Control Policy, carry  
10          out a program to allocate and enhance use of re-  
11          sources of the intelligence community, including in-  
12          telligence collection and analysis, to assist the Sec-  
13          retary of the Treasury, the Secretary of State, and  
14          the Administrator of the Drug Enforcement Admin-  
15          istration in efforts to identify and impose sanctions  
16          with respect to foreign opioid traffickers under sub-  
17          title A.

18                  (2) FOCUS ON ILLICIT FINANCE.—To the ex-  
19          tent practicable, efforts described in paragraph (1)  
20          shall—

21                          (A) take into account specific illicit finance  
22                          risks related to narcotics trafficking; and

23                          (B) be developed in consultation with the  
24                          Undersecretary of the Treasury for Terrorism  
25                          and Financial Crimes, appropriate officials of

1 the Office of Intelligence and Analysis of the  
2 Department of the Treasury, the Director of  
3 the Financial Crimes Enforcement Network,  
4 and appropriate Federal law enforcement agen-  
5 cies.

6 (b) REVIEW OF COUNTERNARCOTICS EFFORTS OF  
7 THE INTELLIGENCE COMMUNITY.—The Director of Na-  
8 tional Intelligence shall, in coordination with the Director  
9 of the Office of National Drug Control Policy, carry out  
10 a comprehensive review of the current intelligence collec-  
11 tion priorities of the intelligence community for counter-  
12 narcotics purposes in order to identify whether such prior-  
13 ities are appropriate and sufficient in light of the number  
14 of lives lost in the United States each year due to use  
15 of illegal drugs.

16 (c) REPORTS.—

17 (1) QUARTERLY REPORTS ON PROGRAM.—Not  
18 later than 90 days after the date of the enactment  
19 of this Act, and every 90 days thereafter, the Direc-  
20 tor of National Intelligence and the Director of the  
21 Office of National Drug Control Policy shall jointly  
22 submit to the appropriate congressional committees  
23 and leadership a report on the status and accom-  
24 plishments of the program required by subsection

25 (a) during the 90-day period ending on the date of

1 the report. The first report under this paragraph  
2 shall also include a description of the amount of  
3 funds devoted by the intelligence community to the  
4 efforts described in subsection (a) during each of fis-  
5 cal years 2017 and 2018.

6 (2) REPORT ON REVIEW.—Not later than 120  
7 days after the date of the enactment of this Act, the  
8 Director of National Intelligence and the Director of  
9 the Office of National Drug Control Policy shall  
10 jointly submit to the appropriate congressional com-  
11 mittees and leadership a comprehensive description  
12 of the results of the review required by subsection  
13 (b), including whether the priorities described in  
14 that subsection are appropriate and sufficient in  
15 light of the number of lives lost in the United States  
16 each year due to use of illegal drugs. If the report  
17 concludes that such priorities are not so appropriate  
18 and sufficient, the report shall also include a de-  
19 scription of the actions to be taken to modify such  
20 priorities in order to assure than such priorities are  
21 so appropriate and sufficient.

22 (d) INTELLIGENCE COMMUNITY DEFINED.—In this  
23 section, the term “intelligence community” has the mean-  
24 ing given that term in section 3(4) of the National Secu-  
25 rity Act of 1947 (50 U.S.C. 3003(4)).

1   **SEC. 1732. DEPARTMENT OF DEFENSE FUNDING.**

2           (a) AUTHORIZATION OF APPROPRIATIONS.—There  
3 are authorized to be appropriated to the Secretary of De-  
4 fense to carry out the operations and activities described  
5 in subsection (b) \$25,000,000 for each of fiscal years  
6 2020 through 2025.

7           (b) OPERATIONS AND ACTIVITIES.—The operations  
8 and activities described in this subsection are the oper-  
9 ations and activities of the Department of Defense in sup-  
10 port of any other department or agency of the United  
11 States Government solely for purposes of carrying out this  
12 title.

13          (c) SUPPLEMENT NOT SUPPLANT.—Amounts made  
14 available under subsection (a) shall supplement and not  
15 supplant other amounts available to carry out the oper-  
16 ations and activities described in subsection (b).

17          (d) NOTIFICATION REQUIREMENT.—Amounts au-  
18 thorized to be appropriated by subsection (a) may not be  
19 obligated until 15 days after the date on which the Presi-  
20 dent notifies the appropriate committees of Congress of  
21 the President's intention to obligate such funds.

22          (e) CONCURRENCE OF SECRETARY OF STATE.—Op-  
23 erations and activities described in subsection (b) carried  
24 out with foreign persons shall be conducted with the con-  
25 currence of the Secretary of State.

1 **SEC. 1733. DEPARTMENT OF STATE FUNDING.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
3 are authorized to be appropriated to the Secretary of State  
4 to carry out the operations and activities described in sub-  
5 section (b) \$25,000,000 for each of fiscal years 2020  
6 through 2025.

7 (b) OPERATIONS AND ACTIVITIES DESCRIBED.—The  
8 operations and activities described in this subsection are  
9 the operations and activities of the Department of State  
10 in carrying out this title.

11 (c) SUPPLEMENT NOT SUPPLANT.—Amounts au-  
12 thorized to be appropriated by subsection (a) shall supple-  
13 ment and not supplant other amounts available to carry  
14 out the operations and activities described in subsection  
15 (b).

16 (d) NOTIFICATION REQUIREMENT.—Amounts au-  
17 thorized to be appropriated by subsection (a) may not be  
18 obligated until 15 days after the date on which the Presi-  
19 dent notifies the appropriate committees of Congress of  
20 the President's intention to obligate such funds.

21 **SEC. 1734. DEPARTMENT OF THE TREASURY FUNDING.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Secretary of the  
24 Treasury to carry out the operations and activities de-  
25 scribed in subsection (b) \$25,000,000 for each of fiscal  
26 years 2020 through 2025.

1 (b) OPERATIONS AND ACTIVITIES DESCRIBED.—The  
2 operations and activities described in this subsection are  
3 the operations and activities of the Department of the  
4 Treasury in carrying out this title.

5 (c) SUPPLEMENT NOT SUPPLANT.—Amounts au-  
6 thorized to be appropriated by subsection (a) shall supple-  
7 ment and not supplant other amounts available to carry  
8 out the operations and activities described in subsection  
9 (b).

10 (d) NOTIFICATION REQUIREMENT.—Amounts au-  
11 thorized to be appropriated by subsection (a) may not be  
12 obligated until 15 days after the date on which the Presi-  
13 dent notifies the appropriate committees of Congress of  
14 the President's intention to obligate such funds.

15 **SEC. 1735. TERMINATION.**

16 The provisions of this title, and any sanctions im-  
17 posed pursuant to this title, shall terminate on the date  
18 that is 7 years after the date of the enactment of this  
19 Act.

20 **SEC. 1736. EXCEPTION RELATING TO IMPORTATION OF**  
21 **GOODS.**

22 (a) IN GENERAL.—The authorities and requirements  
23 to impose sanctions under this title shall not include the  
24 authority or a requirement to impose sanctions on the im-  
25 portation of goods.

1 (b) GOOD DEFINED.—In this section, the term  
2 “good” means any article, natural or manmade substance,  
3 material, supply or manufactured product, including in-  
4 spection and test equipment, and excluding technical data.

5 **SEC. 1737. APPROPRIATE COMMITTEES OF CONGRESS DE-**  
6 **FINED.**

7 In this subtitle, the term “appropriate committees of  
8 Congress” means—

9 (1) the Committee on Armed Services, the  
10 Committee on Banking, Housing, and Urban Af-  
11 fairs, the Committee on Foreign Relations, the Se-  
12 lect Committee on Intelligence, and the Committee  
13 on Appropriations of the Senate; and

14 (2) the Committee on Armed Services, the  
15 Committee on Financial Services, the Committee on  
16 Foreign Affairs, the Permanent Select Committee on  
17 Intelligence, and the Committee on Appropriations  
18 of the House of Representatives.

